

NOTICE RE JUDGE PETER H. CARROLL'S PROCEDURES FOR TELEPHONIC APPEARANCES

I. POLICY GOVERNING TELEPHONIC APPEARANCES.

Telephonic appearances are allowed in all matters before Judge Carroll in Courtroom # 304, except the following:

1. Trials and Evidentiary Hearings (all counsel and all witnesses *must* appear in person).
2. Chapter 11 Status Conferences (debtor and debtor's counsel *must* appear in person). Other parties in interest may appear telephonically.
3. Chapter 11, 12 & 13 Confirmation Hearings (debtor, debtor's counsel, and all objecting creditors *must* appear in person).
4. Any matter designated by the court as requiring a personal appearance.

No telephonic appearance will be allowed unless it is made through *Court Call*, an independent conference call company, pursuant to the procedures set forth in Section II.

Before requesting a telephonic appearance, you must check Judge Carroll's calendar on the court's website to review any disposition without oral argument or tentative ruling concerning the matter on calendar. Dispositions without oral argument and tentative rulings normally are issued not later than 2:30 p.m. on the day preceding the scheduled hearing. To view the calendar, click on "Tentative Rulings" on the court's website, www.cacb.uscourts.gov.

Dispositions Without Oral Argument. If the matter has been adequately noticed and no written opposition has been timely filed, the court may decide the matter without oral argument by issuing a "Final Ruling." **NO APPEARANCE IS NECESSARY.** The matter will not be heard by the court.

Tentative Rulings. If written opposition has been timely filed, the court may issue a "Tentative Ruling." **APPEARANCES ARE REQUIRED, notwithstanding the issuance of a Tentative Ruling. Each individual who appears telephonically must have reviewed and must be familiar with the Tentative Ruling.**

If an individual schedules a telephonic appearance and then fails to respond to the call of a matter on calendar, the court may pass the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous telephonic appearances in multiple courts does not excuse a failure to appear when a matter is placed on calendar.

The 3:00 p.m. deadline for scheduling telephonic appearances is independent of the issuance of Tentative Rulings. Late scheduling of a telephonic appearance is not justified by the fact that Tentative Rulings have not yet been posted on the court's website.

Individuals making use of the conference call service are cautioned that they do so at their own risk. Hearings generally will not be rescheduled due to missed connections.

II. SCHEDULING A TELEPHONIC APPEARANCE.

By Telephone: Telephone appearances may be arranged by calling *Court Call* at (866) 582-6878 not later than **3:00 p.m.** the day prior to the court hearing date. Any request for a telephonic appearance made after the 3:00 p.m. deadline must be court approved by contacting Judge Carroll's Courtroom Deputy, John Craig, at (951) 774-1097.

By Facsimile: Use the court-approved "**Facsimile Request for Telephonic Appearance**" form located under "*Forms/Instructions/Procedures/Self-Calendaring*" at the *Judge's Procedures/Information* section, *Individual Judges - Carroll, P. (RS)* subsection, of the Court's web site at www.cacb.uscourts.gov. Facsimile requests may only be used if the requested appearance is made at least 24 hours in advance of the court hearing date. The facsimile telephone number at *Court Call* is (866) 533-2946.

III. PROCEDURE FOR TELEPHONIC APPEARANCE.

Court Call will provide counsel with written confirmation of a telephonic appearance, and give counsel a number to call to make the telephonic appearance. It is counsel's responsibility to dial into the call not later than 10 minutes prior to the scheduled hearing. ***Court Call* does not place a call to counsel.** *Court Call* charges a fee for a telephonic appearance. If you do not timely call and connect with the *Court Call* operator, you will be billed for the call and the hearing may proceed in your absence.

Telephonic appearances are connected directly with the courtroom's public address system and electronic recording equipment so that a normal record is produced. **To ensure the quality of the record, the use of car phones, cellular phones, speaker phones, public telephone booths, or phones in other public places is prohibited except in the most extreme emergencies.** Participants should be able to hear all parties without difficulty or echo.

At the time of your hearing, you may initially be in the listening mode in which case you will be able to hear the case before yours just as if you were in the courtroom. After your call is connected to the courtroom, the judge will call the case, request appearances, and direct the manner in which the hearing proceeds. Each time you speak, you should identify yourself for the record. The court's teleconferencing system allows more than one speaker to be heard, so the judge can interrupt a speaker to ask a question or redirect the discussion. When the judge informs the participants that the hearing is completed, you may disconnect and the next case will be called.

Telephonic appearances by multiple participants are only possible when there is compliance with every procedural requirement. Sanctions may be imposed when there is any deviation from the required procedures or the court determines that a person's conduct makes telephonic appearances inappropriate. Sanctions may include dropping a matter from calendar, continuing the hearing, proceeding in the absence of an unavailable participant, a monetary sanction, and/or a permanent prohibition against a person appearing telephonically.